

REMARKS

Upon entry of the present amendment, claims 1-10 and 14-16 will remain pending in the present application and stand ready for further action on the merits. Claim 1 is independent.

In the instant amendment, claims 1 and 14 are amended, while claim 17 is canceled (claims 11-13 were previously canceled).

Claim 1 is instantly amended to incorporate the limitations of previous allowable claim 17, which is now canceled to prevent a redundancy with amended independent claim 1. Claim 14 is amended so as to no longer refer back to claim 1 “*twice*”.

As such, it is submitted that the instant amendments to the claims do not incorporate new matter into the application as originally filed. Accordingly, entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

Allowable Subject Matter

The Examiner has indicated that independent claim 17 is allowable. Applicant greatly appreciates the indication of allowable subject matter by the Examiner. In light of this indication, claim 1 is amended to recite the invention of allowable claim 17.

Thus, Applicant respectfully submits that by way of this submission, instant claim 1 and its dependent claims 2-10 and 14-16 are allowable at present and the rejection noted below is now rendered moot.

Claim Rejection under 35 U.S.C. § 102(b)

Claims 1-6, 8-10 and 14-16 have been rejected under 35 U.S.C. § 102(b) as anticipated by Takeaki et al. **JP '619** (JP 08-012619).

Reconsideration and withdrawal of the above rejection are respectfully requested based on the amendment made herein to the pending claims, and the following considerations.

While not conceding to the Examiner's rejection, but to merely advance prosecution, claim 1 is now replaced with allowable claim 17 as explained above. Accordingly, amended claim 1 is now believed to be allowable and claims 2-10 and 14-16 depending therefrom are also believed to be allowable. Therefore, the outstanding rejection is no longer sustainable and must be reconsidered at present.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-10 and 14-16 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

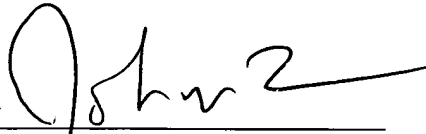
Application No. 09/763,156
Amendment dated
Office Action of April 21, 2008

Docket No.: 0425-0824P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: JUN 11 2008

Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant